

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

ERIEN L. FRAZIER

*Plaintiff,*

v.

Civil Action No. ELH-15-03785

TRANS UNION LLC, *et al.*

*Defendants.*

**SCHEDULING ORDER**

This Scheduling Order is being entered pursuant to Rule 16(b) of the Federal Rules of Civil Procedure and Local Rules 103.9(b) and 104.4.<sup>1</sup> Any party who believes that any deadline set forth in this Scheduling Order is unreasonable or otherwise problematic may request a modification of the Order, in writing.

**For Plaintiff:** So long as plaintiff is not represented by counsel, plaintiff is responsible for compliance with applicable court rules, including FED. R. CIV. P. 5 (which governs service on defendant's counsel), in all filings with the Court. The Clerk's Office has prepared a guide for unrepresented litigants at <http://www.mdd.uscourts.gov/publications/Forms/InstructionsFilingCivilAction.pdf>. It is strongly suggested that plaintiff familiarize himself with this guide, paying particular attention to "Part IV: How Do I Comply With Court Procedures." In particular, all documents filed with the Court other than the original complaint must bear a

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<sup>1</sup> The Local Rules of this Court are available on the Court's website <http://www.mdd.uscourts.gov/localrules/LocalRules.pdf>. The Federal Rules of Civil Procedure are available on a number of websites, including <http://www.law.cornell.edu/rules/frcp/>. Court libraries and many local libraries have copies of these rules for public review. Information on where to purchase printed copies of the rules is available from the clerk's office.

certificate of service stating that the opposing party has been sent a copy of that document.

**For Defendant:** This case is subject to electronic filing according to the procedures set forth at <http://www.mdd.uscourts.gov>. Counsel must use the electronic filing system for filing documents with the Clerk and sending case related correspondence to chambers. When counsel electronically files a document that, including attachments, is 15 pages or longer, a paper copy of the document must also be provided with a paper copy of the notice of electronic filing. The paper copy should be sent to the Clerk's Office, not directly to my chambers. Until/unless plaintiff is represented by counsel, defendants shall serve all filings on him, pursuant to FED. R. CIV. P. 5, and may not rely on the CM/ECF system for service on plaintiff.

## **DEADLINES**

The following schedule shall control the progress of this case. If any party wishes to request a change to any deadline established by this schedule, the party may submit the request, in writing, no later than **February 26, 2016**. Thereafter, no changes in the schedule set forth herein will be permitted, unless authorized by the Court for good cause shown.

### **Initial Disclosures, Discovery Conference, and Initial Status Report**

This is an action in which the initial disclosures set forth in FED. R. Civ. P. 26(a)(1) need not be made. Additionally, the parties need not conduct a discovery conference as ordinarily would be required under FED. R. Civ. P. 26(f). However, you are encouraged to confer with one another immediately in order to: (a) identify the issue(s), (b) set a plan for discovery, (c) determine if the case can be resolved before you incur further litigation expense, and (d) establish a cordial relationship among yourselves.

In addition, I ask that defendant's counsel consult with plaintiff and submit, no later than **February 26, 2016**, a status report stating (a) whether the parties unanimously consent to have all further proceedings in this case conducted by a United States Magistrate Judge;<sup>2</sup> (b) whether the parties request a settlement conference to be conducted by a United States Magistrate Judge, and, if so, whether such a conference should be held (i) before discovery, (ii) after discovery but before dispositive motions are filed, or (iii) after dispositive motions are resolved, assuming that the case remains viable; and (c) any other matter that may affect the discovery schedule and that should be brought to the Court's attention.

### **Discovery<sup>3</sup>**

All discovery shall be completed by **June 27, 2016**. Discovery includes depositions, "interrogatories" (which are a series of written questions sent to the opposing party, to be answered in writing under oath), and requests for production of documents. Discovery requests must be served on the opposing party sufficiently early to ensure that they are answered prior to this discovery deadline. The Court's Discovery Guidelines contain standard forms which may be used, at any party's option, to compose discovery requests. The Discovery Guidelines are found in Appendix D to the Local Rules, available on the Court's website. Please note that, under Local Rule 104.5, discovery requests and responses should be sent only to the opposing party, and should not be filed with the Court.

On the discovery deadline (**June 27, 2016**), the parties shall file a status report informing the Court (1) whether discovery is complete (and, if not, what discovery is outstanding); (2)

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<sup>2</sup> A party is not required to consent to such a referral. The case will not be referred to a magistrate judge for all proceedings unless all parties consent.

<sup>3</sup>Discovery is governed by FED. R. CIV. P. 26-37 and 45 as well as Local Rule 104 (D. Md.).

whether any motions are pending; (3) whether any party intends to file a motion for summary judgment; (4) the anticipated length of trial; and (5) the possibility that the case will be settled.

**Motions for Summary Judgment**

Unless otherwise ordered by the Court, the deadline for either party to file a motion for summary judgment will be **July 26, 2016**. A motion for summary judgment is a motion that may be filed by either party, along with any supporting papers, asserting that there is no genuine dispute of material fact in regard to the claims before this Court, and that the moving party is entitled to judgment as a matter of law. After motions and responses to those motions have been filed, the Court will advise the parties if a hearing is to be scheduled.

The Clerk of the Court SHALL SEND a copy of this Order to plaintiff, who is *pro se*, and to defense counsel.

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February 5, 2016  
Date

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/s/  
Ellen Lipton Hollander  
United States District Judge